

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ANTHONY OLIVER,
Plaintiff,

v.

EHM PRODUCTIONS, INC., et al.,
Defendants.

Case No. 23-cv-02671-VC

**ORDER DECLARING PLAINTIFF A
VEXATIOUS LITIGANT**

Re: Dkt. No. 31

The motion to declare the Plaintiff Anthony Oliver a vexatious litigant is granted. Oliver has a long track record of filing numerous unsuccessful lawsuits in both state and federal court. He has previously been declared a vexatious litigant by the California state court system and the U.S. District Court for the Central District of California.

Under the All Writs Act, 28 U.S.C. § 1651(a), district courts have the power to enjoin “litigants with abusive and lengthy histories.” *De Long v. Hennessy*, 912 F.2d 1144, 1147 (9th Cir. 1990); *Molski v. Evergreen Dynasty Corp.*, 500 F.3d 1047, 1057 (9th Cir. 2007). Before entering a pre-filing order, courts must examine whether: (1) the litigant was given notice and an opportunity to be heard, (2) there is an adequate record for review, and (3) the order is “narrowly tailored to closely fit the specific vice encountered.” *De Long*, 912 F.2d at 1147-48. “[S]ubstantive findings as to the frivolous or harassing nature of the litigant’s actions” must also be made. *Id.* at 1148 (citations omitted).

Oliver was given notice and an opportunity to be heard. The defendants filed their motion to declare Oliver a vexatious litigant on June 29, 2023, and Oliver filed an opposition on July 1, 2023. This satisfies the notice requirement. *See Pacific Harbor Capital, Inc. v. Carnival Air*

Lines, Inc., 210 F.3d 1112, 1118 (9th Cir. 2000); *Ou-Young v. Roberts*, 2013 WL 6732118, *8 (N.D. Cal. 2013) (unpublished).

There is also an adequate record for review. To be adequate, the record “needs to show, in some manner, that the litigant’s activities were numerous or abusive.” *De Long*, 912 F.2d at 1147. Here, the record shows Oliver has filed at least 30 lawsuits in federal court, in addition to over 40 cases he filed in California state court before being declared a vexatious litigant by the California state courts.¹ See Order Declaring Litigant to be a Vexatious Litigant at 4, *Oliver v. Luner*, No. 18-2562 (C.D. Cal. Sep. 26, 2018). Two of Oliver’s prior suits in federal court have been against EHM with factual allegations similar to those alleged here. Almost all of Oliver’s federal suits were dismissed, either by the court or voluntarily. *Id.* at 4-6.

The pre-filing order is also narrowly tailored to Oliver. Going forward, when filing a pro se complaint in the Northern District of California, Oliver must obtain certification from the general duty judge that his complaint is comprehensible and not facially frivolous. See *Molski*, 500 F.3d at 1061. Further, because Oliver has not limited his litigation to any specific statute or set of alleged circumstances, the order subjecting any future pro se complaint to screening is narrowly tailored to Oliver. See *id.*

Last, Oliver’s present suit is frivolous, and his history of repeatedly filing complaints without merit demonstrates harassing behavior. The complaint alleges false advertising and deceptive practices against multiple media companies but fails to allege any facts that could be plausibly understood as false or deceptive. This complaint also repeats similar factual allegations against similar defendants as two prior lawsuits Oliver filed. Based on his litigation history, there is no basis for believing that Oliver will cease filing frivolous suits going forward.

Accordingly, before filing any additional pro se lawsuits in the Northern District of California, Oliver must obtain leave of the court. If Oliver wishes to file a complaint, he must submit a copy of his complaint, a letter requesting his complaint be filed, and a copy of this order

¹ The motion for judicial notice [Dkt. No. 32] is granted, as each document is either a state-court or federal-court filing and part of the public record. See Fed. R. Evid. 201.

to the Clerk of this Court. Only upon approval of the general duty judge may any pro se action filed by Oliver proceed.

IT IS SO ORDERED.

Dated: September 15, 2023

A handwritten signature in black ink, appearing to read 'Vince', is positioned above a horizontal line.

VINCE CHHABRIA
United States District Judge